(56)

HIGH COURT OF CHHATTISGARH AT BILASPUR

S.B. : HON'BLE JUSTICE SHRI SATISH K. AGNIHOTRI

WRIT PETITION No. 4021 of 2003

PETITIONER : Ku. Dileshwari Darshan S/o Babulal Darshan, Village-Supkalo, Tah. Dharamjaigarh, Distt. Raigarh (C.G.)

VERSUS

RESPONDENTS :
1. State of Chhattisgarh Through: Secretary Department Of Panchayat & Welfare, D.K.S. Bhawan, Raipur (C.G.)
2. District Panchayat, Raigarh Through: Collector Raigarh District - Panchayat, Office Raigarh (C.G.)
3. Janpad Panchayat Dharamjaigarh, Through: C.E.O., Janpad Panchayat Office Dharamjaigarh, Tah. & Distt. Raigarh (C.G.)
4. Sarpanch/Secretary, Gram Panchayat, Village-Ratanpur, Tahsil Dharamjaigarh, Distt. Raigarh.

WRIT PETITION UNDER ARTICLE 226/227 OF THE CONSTITUTION OF INDIA.

Present: Mr. Vineet K. Pandey, Advocate for the petitioner.
Miss Sunita Jain, Panel Lawyer for the State / respondent No.1
Mr. A.N.Bhakta, Advocate for the respondent no. 3.

ORDER
(Passed on 18th day of April, 2007)

1. The petitioner, vide order dated 24.8.2002 (Annexure P/1) was appointed as Teacher (Shiksha Karmi Grade III) on contract for the academic session which came to an end with closure of the

academic session on 30th April, 2003. Thereafter, the appointment of the petitioner was not continued.

2. The petitioner has filed this petition challenging the non-continuation of her appointment on the ground that the rules provide for consideration of her case for extension of the contract period. The second grievance of the petitioner is that she has not been paid the salary from 27.8.2002 to 30.04.2003 for the period she has worked as Shiksha Karmi Grade III.

3. The contention of the learned counsel for petitioner with regard to her continuation in service is noticed to be rejected on the simple ground that a person appointed on contract has no right of continuation or regularisation of service as the appointment itself is dehors the constitutional scheme of employment. With regard to the second contention, it is admitted case of all the parties and the learned counsel appearing for the respondent no. 3 has fairly conceded that if the payment has not been made to him, then she is entitled to the same.

4. In view of that, the petition is allowed in part and the respondent no. 4 is directed to make the payment of salary to the petitioner for the period, she has worked from 27.08.2002 to 30.04.2003 within a period of four weeks from the date of receipt of a copy of this order. No order as to costs.

Sd/-
Satish K. Agnihotri
Judge

Amit